

EXHIBIT A

THOMAS W. BEVAN, ESQ. - 02/21/2018

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY
3

4 KIMBERLEE WILLIAMS,) CASE NO. 2:11-CV-01754
5 et al.,) (JLL)(JAD)
6)
7 Plaintiffs,)
8)
9 versus) DEPOSITION OF
10)
11 BASF CATALYSTS, LLC,)
12 et al.,) THOMAS W. BEVAN, ESQ.
13)
14 Defendants.)
15
16 - - - - -
17
18

19 Deposition of THOMAS W. BEVAN, ESQ., a Witness
20 herein, called by the Defendants for Cross-Examination
21 pursuant to the Federal Rules of Civil Procedure, taken
22 before me, the undersigned, Anika W. Patrick, a
23 Registered Merit Reporter, Certified Realtime Reporter
24 and Notary Public in and for the State of Ohio, at the
25 offices of Thompson Hine, LLP, 3900 Key Center, 127
Public Square, Cleveland, Ohio, on Wednesday, February
21, 2018, at 11:49 a.m.

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23

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THOMAS W. BEVAN, ESQ. - 02/21/2018

Pages 2..5

Page 2	Page 4
1 APPEARANCES:	1 I N D E X
2 On Behalf of the Plaintiffs:	2
3 Harry M. Roth, Esq.	3 EXAMINATION BY
4 Jared M. Placitella, Esq.	4 Mr. Farrell
5 Cohen, Placitella & Roth	5
6 Two Commerce Square	6 PLAINTIFF'S EXHIBITS MARKED
7 2001 Market Street, Suite 2900	7 None
8 Philadelphia, Pennsylvania 19103	8
9 215.567.3500	9 DEFENDANT'S EXHIBITS MARKED
10 hroth@cprlaw.com	10 60, November 2016 Subpoena to Bevan Law Firm 9
11 jmplacitella@cprlaw.com	11 61, Order ECF number 381 and 382 12
12 Kirkland & Ellis, LLP	12 - - - - -
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19 On Behalf of the Defendants Cahill Gordon &	19
20 Reindel, LLP, Howard G. (Peter) Sloane, and Ira J.	20
21 Dembrow:	21
22 Anthony Vale, Esq.	22
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31	
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33	
34	
35	
Page 3	Page 5
1 APPEARANCES (Continued):	1 WHEREUPON,
2 On Behalf of the Defendant Thomas D. Halket: (Via	2 THOMAS W. BEVAN, ESQ.,
3 Telephone):	3 after being first duly sworn, as hereinafter
4 Eric Tunis, Esq.	4 certified, testified as follows:
5 Herold Law, PA	5 CROSS-EXAMINATION
6 25 Independence Boulevard	6 BY MR. FARRELL:
7 Warren, New Jersey 07059	7 Q. Good morning, Mr. Bevan. I see you have some
8 908.647.1022	8 documents and materials with you. Can you tell me
9 Etunis@heroldlaw.com	9 what you brought with you today?
10 On Behalf of the Defendant Arthur Dornbusch (Via	10 A. My newspaper, my calendar, my pad of paper, a
11 Telephone):	11 bunch of business cards, a bunch of political
12 John A. Boyle, Esq.	12 stuff.
13 Marino, Tortorella & Boyle, PC	13 Q. Any documents that relate to the Williams case?
14 437 Southern Boulevard	14 A. No.
15 Chatham Township, New Jersey 07928	15 Q. Have you ever been deposed before?
16 973.824.9300	16 A. Yes.
17 Jboyle@khmarino.com	17 Q. Can you tell me every case in which you've given
18 On Behalf of the Bevan Law Firm:	18 deposition testimony?
19 Brendan Little, Esq.	19 A. I gave -- I gave a deposition in a case involving
20 Levy Konigsberg, LLP	20 a lawsuit against a former attorney in my law
21 800 Third Avenue, 11th Floor	21 firm. I gave a deposition in a malpractice case
22 New York, New York 10022	22 against my law firm, and I gave a deposition in a
23 212.605.6200	23 case that my law firm had filed against the Ohio
24 blittle@levylaw.com	24 Bureau of Workers' Compensation.
25 - - - - -	25 Q. What was the subject matter of the malpractice

THOMAS W. BEVAN, ESQ. - 02/21/2018

Pages 6..9

Page 6		Page 8	
1	case?	1	correct?
2	MR. ROTH: If -- I mean, we're taking a	2	A. I have filed probably in the neighborhood of in
3	corporate -- not a corporate, a records	3	excess of a thousand, maybe 2- or 3,000 cases of
4	deposition here, so if you want to ask these	4	people that were tire workers at one point in
5	substantive questions about his experience as	5	time. I call them rubber workers.
6	a witness, that's fine, but this could be	6	Q. So you can check and then let Mr. Roth know
7	anybody.	7	whether you have the deposition transcripts from
8	MR. FARRELL: We're two minutes in a	8	any of these three cases?
9	deposition where you were noting the length	9	A. Sure.
10	of time and we're already into speaking	10	Q. Has anybody else from your firm given deposition
11	objections. I'm setting up a question as to	11	testimony?
12	whether it relates to this case and whether	12	A. I think in the case involving the Bureau of
13	there are documents.	13	Workers' Compensation, that yes, Pat Walsh gave a
14	Q. Do you have a copy of the deposition testimony you	14	deposition in that case.
15	gave in the three cases you listed?	15	Q. So same request there, you'll check if you have
16	A. I don't know.	16	the transcript and provide it to Mr. Roth?
17	MR. BOYLE: Hi, this is John Boyle. Has	17	A. Yes.
18	the deposition started?	18	Q. Has anybody from your firm given testimony as a
19	MR. FARRELL: Yes.	19	records custodian?
20	Q. Is that something you can check on, as to whether	20	A. I don't believe so.
21	you have the deposition transcripts from any of	21	Q. Have you ever given live testimony outside of a
22	those three cases?	22	deposition? A trial, a hearing, anything like
23	A. Yes. And to be clear, I doubt that I have the	23	that?
24	transcript on the first two depositions that I	24	MR. ROTH: Objection.
25	mentioned. The last deposition in the case	25	A. I believe in a hearing, yes.
Page 7		Page 9	
1	against the Bureau of Workers' Compensation I may	1	Q. What hearing was that?
2	have, but I could check on that fairly easily.	2	A. I believe that involved the case of a former
3	Q. Did the litigation relating to the former attorney	3	attorney of our law firm.
4	of your firm or the malpractice case relate to	4	Q. The first case you mentioned?
5	your handling of asbestos litigation matters?	5	A. The first case I mentioned, yes.
6	A. The malpractice case involved an asbestos workers'	6	Q. Do you know the name of that case?
7	compensation claim that a former associate of the	7	A. I believe it was something along the lines of
8	law firm was handling.	8	Bevan & Associates versus Raymond Powell.
9	Q. You know the name of that case?	9	Q. Okay. Where was that filed?
10	A. The individual's name was Clayton Cook.	10	A. Summit County, Ohio.
11	Q. And he alleged that your firm had mishandled the	11	Q. So was the hearing in the Summit County
12	case in some way?	12	Courthouse?
13	A. Yeah, the former associate had not filed something	13	A. Yes.
14	that he was supposed to file on the workers'	14	(Whereupon, Defendant's Exhibit 60 was
15	compensation claim.	15	marked for identification.)
16	Q. Did the case relate to the tire worker litigation	16	Q. Let me show you what we've premarked for
17	at all?	17	identification as Defense Exhibit 60. This is a
18	A. I don't know what you mean by "tire worker	18	copy of the November 21st, 2016 subpoena that BASF
19	litigation," but this man was not a tire worker.	19	served on the Bevan Law Firm in the Williams case.
20	Q. You don't know what I mean by the tire worker	20	I take it you've seen this before?
21	litigation?	21	A. I believe I've seen this, yes.
22	A. I don't know what you mean by tire worker	22	Q. You have seen this before?
23	litigation.	23	A. I believe I have. Just looking at it, just looked
24	Q. You've been filing cases on behalf of current and	24	at the first few pages, I think I've seen this.
25	former tire workers for more than two decades,	25	Q. But you're not sure if you've seen it before?

THOMAS W. BEVAN, ESQ. - 02/21/2018

Pages 10..13

Page 10		Page 12
1 A.	I am not positive, but I think I have.	1 of your law firm, all documents that are
2 Q.	Were you the person at the Bevan Law Firm who was	2 responsive to BASF's subpoena have either been
3	responsible for responding to the subpoena on	3 provided to Mr. Roth's law firm or put on a
4	behalf of your firm?	4 privilege log?
5 A.	I was the head person responsible, yes.	5 A. Correct.
6 Q.	Why do you say "the head person"?	6 (Whereupon, Defendant's Exhibit 61 was
7 A.	Well, I didn't do everything involved in it, but I	7 marked for identification.)
8	oversaw it all.	
9 Q.	Who else was involved in responding to the BASF	8 Q. Let me show you what we've premarked as Exhibit
10	subpoena?	9 Number 61. This is actually two documents
11 A.	It would be Erin Clark in my firm and Pat Walsh.	10 together. A November 30th, 2017 order from the
12 Q.	Erin Clark is a paralegal at your firm?	11 special master in the Williams case with ECF
13 A.	Yes.	12 number 381 on it and then a December 6th, 2017
14 Q.	And Mr. Walsh is an associate?	13 amendment to that order with ECF number 382. Have
15 A.	Well, he's my partner in the law firm.	14 you seen these documents before?
16 Q.	He's a partner. Anyone else?	15 A. I believe I have.
17 A.	I don't recall anyone else.	16 Q. If you turn to page 3 of the first document,
18 Q.	Are there any documents in the possession, custody	17 ECF381, I'm looking at paragraph 4.
19	or control of the Bevan Law Firm that are	18 MR. ROTH: I have two copies of 372.
20	responsive to that subpoena that have not yet been	19 MR. ASSAF: Keep going. We'll get you a
21	produced or logged?	20 copy.
22 A.	No.	21 Q. Paragraph 4 calls for the deposition that brings
23 Q.	So that's not correct, right? We know there's at	22 us here today, correct?
24	least some e-mails that have not yet been logged	23 A. What I'm looking at, yes. Exhibit 61, correct.
25	that were just produced to BASF last night,	24 Q. You have an ECF381 at the top, correct?
		25 A. I -- this says ECF372 at the top.
Page 11		Page 13
1	correct?	1 Q. The header, sir.
2 A.	I don't know what you're talking about.	2 A. Oh, up top. Okay. Document 381 at the very
3 Q.	You weren't aware that a batch of Bevan Law Firm	3 center top, yes.
4	e-mails were produced to BASF last night in the	4 Q. Okay. Can you turn to paragraph 6 on page 4 of
5	Williams case?	5 the document we've marked as Exhibit 61?
6 A.	I don't know what was produced last night.	6 Paragraph 6 says, "Further ordered that to the
7 Q.	Who would know that?	7 extent written policies regarding document
8 A.	Well, it sounds like you know it and I assume	8 retention exist, the request for an order
9	whoever -- if somebody produced something to you,	9 commanding the production of any document
10	they would know it.	10 retention policies or memoranda from Plaintiffs'
11 Q.	Okay. We'll get back to that. So to your	11 counsel and Bevan and the same hereby is granted."
12	knowledge, every document that your firm has in	12 Do you see that?
13	its possession, custody or control that's	13 A. Yes.
14	responsive to BASF's subpoena has either been	14 Q. So there's -- this is a paragraph ordering the
15	produced to BASF or put on a privilege log?	15 production of document retention policies from the
16 A.	I will say that it's been -- as I have not had	16 Bevan Law Firm, correct?
17	direct involvement with you, I have not given	17 A. Yes.
18	anything to BASF or any of the defense counsel.	18 Q. And there's actually three components here. One
19	Anything that I've given, I have given to counsel	19 is the Bevan Law Firm's document retention
20	that's representing the plaintiffs or that's	20 policies, right?
21	representing the firm.	21 A. That's the way I read it, yes.
22 Q.	Okay. But you're here in the capacity as the	22 Q. Two is any memoranda from Plaintiffs' counsel,
23	records custodian of your law firm, correct?	23 Mr. Roth's firm, sent to you calling for the
24 A.	Yes.	24 preservation of documents, correct?
25 Q.	So as far as you're aware as the records custodian	25 A. Yes.

THOMAS W. BEVAN, ESQ. - 02/21/2018

Pages 14..17

Page 14

1 Q. And there is any memoranda from the Bevan firm
 2 itself calling for the preservation of documents?
 3 A. I'm not sure where you're getting at that.
 4 Q. The third line from Plaintiffs' counsel and Bevan,
 5 right? So there's a separate memoranda from
 6 Bevan.
 7 A. Okay.
 8 Q. So it's your understanding that paragraph 6 of
 9 this order called for the production of any
 10 memoranda that the Bevan Law Firm prepared calling
 11 for the preservation of documents?
 12 MR. ROTH: Objection. Form and
 13 foundation.
 14 A. I -- you know, I can view it that way, sure. I
 15 don't have any objection to your characterization
 16 of it.
 17 Q. You don't dispute it?
 18 A. No.
 19 Q. Okay. No documents have been produced in response
 20 to this paragraph 6 by the Bevan firm, correct?
 21 A. I don't believe so because I know we do not have a
 22 document retention policy. I don't recall ever
 23 receiving a memoranda from Plaintiffs' counsel,
 24 and I know I've never issued a memoranda regarding
 25 preservation of any documents.

Page 15

1 Q. So no one at the Bevan Law Firm issued a written
 2 document hold notice in anticipation of filing the
 3 Williams class action, correct?
 4 A. I'm not sure what a document hold notice is, but
 5 nobody from my law firm ever issued any kind of a
 6 written document saying not to destroy any
 7 documents.
 8 Q. You're not even sure what a memoranda like that
 9 would look like?
 10 A. I've never seen one in my firm. We don't operate
 11 that way.
 12 Q. How long has your firm been in existence?
 13 A. Well, in its formal version, since 1994, I think.
 14 Q. Since 1994? Since 1994, has your firm ever sent
 15 out a memorandum calling for the preservation of
 16 documents?
 17 A. Not that I recall.
 18 Q. Does the professional responsibility insurer for
 19 the Bevan Law Firm require a document retention
 20 policy?
 21 A. I don't recall that ever being a requirement.
 22 Q. Is there any policy at the Bevan Law Firm
 23 regarding the retention or destruction of
 24 electronic documents?
 25 A. There's no formal policy, no.

Page 16

1 Q. What is the informal policy?
 2 A. Well, I don't recall us ever destroying electronic
 3 documents.
 4 Q. Is there any auto delete function in your e-mail
 5 system, for example?
 6 A. I'm not sure what an auto delete function is, so I
 7 don't know. I don't believe.
 8 Q. Does the e-mail system at the Bevan Law Firm
 9 automatically discard e-mails after a certain
 10 period of time?
 11 A. I don't know.
 12 Q. Did you look into that before you came here to
 13 testify as the Bevan records custodian?
 14 A. I don't think I did, no.
 15 Q. Is it something you could determine after the
 16 deposition today?
 17 A. I'm not sure what you're asking for, so I don't
 18 know the answer to that.
 19 Q. You're not familiar with the concept of an e-mail
 20 system automatically deleting e-mails after a
 21 certain period of time?
 22 A. No.
 23 Q. So your e-mail system at the Bevan firm retains
 24 every e-mail that is sent and received for all
 25 time?

Page 17

1 A. I don't know.
 2 Q. Can you find out the answer to that question?
 3 A. I can try to find out the answer to that question.
 4 I don't use a firm e-mail, if that's what
 5 you're --
 6 Q. What e-mail do you use?
 7 A. I use AOL. Same thing I've been using since 2000
 8 or 2001.
 9 Q. Since 2000 you've been using an AOL e-mail
 10 address?
 11 A. Maybe more recently. I don't know. Whenever I
 12 started using e-mail.
 13 Q. Was your AOL e-mail account searched for e-mails
 14 in response to BASF's subpoena?
 15 A. I searched it, yes.
 16 Q. How did you search it?
 17 A. I searched it for titles, Eastern Magnesia Talc,
 18 talc, any word that I thought could have been
 19 associated with it.
 20 Q. Did you prepare a list of search terms that were
 21 used?
 22 A. No.
 23 Q. So it was just something you did on the spot?
 24 A. Something I did, yes.
 25 Q. What other search terms did you use other than

THOMAS W. BEVAN, ESQ. - 02/21/2018

Pages 18..21

Page 18		Page 20
1	Eastern Magnesia Talc?	
2	A. I don't recall. I'm sure talc would have been one	1 send. I may have sent something.
3	of them, just talc.	2 Q. Did you check your phone for responsive e-mails?
4	Q. Any other -- other than those two, any other	3 A. I didn't do anything on my phone. I don't know
5	search terms?	4 how I would do that.
6	A. I don't recall other search terms that I used.	5 Q. So you haven't checked your phone to see whether
7	Q. BASF as a search term?	6 it contains e-mails that are responsive to BASF's
8	A. I probably used BASF.	7 subpoena?
9	Q. When did you do this search for e-mails in your	8 MR. ROTH: Objection.
10	AOL account?	9 A. I don't think so. But my phone is AOL, so I check
11	A. Some time ago. I don't recall when.	10 it on my computer at work.
12	Q. The last month? The last three months?	11 Q. Does anybody else at the Bevan firm use an e-mail
13	A. I would say the last six months.	12 account that's outside of the Bevan e-mail system?
14	Q. Did you find any responsive documents in your AOL	13 A. I think Pat Walsh uses AOL. You know, probably
15	e-mail account?	14 most of the attorneys are using something, you
16	A. I don't recall. I don't recall.	15 know, private e-mail account.
17	Q. Another thing that you could check on and find the	16 Q. Most of the attorneys at your firm are using
18	answer to?	17 private e-mail accounts?
19	A. I could do it again. I mean, I don't know -- I	18 A. We only have eight -- eight or ten attorneys, yes,
20	don't have any paper trail. I can do it again.	19 so I think most of them are. I think.
21	Q. There's no paper trail at all regarding your	20 Q. Do all of the attorneys at your firm have a formal
22	search for responsive e-mails in your AOL e-mail	21 Bevan firm e-mail account?
23	account?	22 A. I think so.
24	A. Not that I'm aware of. I don't know what kind of	23 Q. And then in addition to that, they all use a
25	paper trail there would be.	24 private e-mail account of some sort to communicate
Page 19		regarding firm business?
1	Q. You use this AOL e-mail account for all aspects of	Page 21
2	your law practice?	1 A. As best I know, yes.
3	A. I do.	2 Q. Were all of the personal e-mail accounts of the
4	Q. You communicate with clients through the AOL	3 lawyers at the Bevan firm searched to determine
5	e-mail account?	4 whether they had e-mails that are responsive to
6	A. Very rarely, but on occasion, yes.	5 BASF's subpoena?
7	Q. Have you communicated with any of the five class	6 A. Anybody that would have had any relationship to
8	representatives in this case who had been	7 this asbestos litigation.
9	represented by the Bevan firm via your AOL e-mail	8 Q. So who would that -- which custodians?
10	account?	9 A. It would be -- I don't know what you mean by which
11	A. I don't believe so.	10 custodian?
12	Q. Do you communicate with any of your colleagues at	11 Q. Which attorneys at the Bevan firm would have been
13	the Bevan firm through your AOL e-mail account?	12 involved in the asbestos cases and therefore had
14	A. Probably occasionally.	13 their e-mails checked?
15	Q. Occasionally? What sort of -- withdrawn.	14 A. I believe it was Josh Grunda and Dave Bates, Pat
16	Why do you say only occasionally?	15 Walsh, and myself.
17	A. I don't know -- we're a small firm, so if I'm	16 Q. Just the four of you?
18	going to talk to somebody, I usually go down the	17 A. As far as I know, yes.
19	hall and talk to them. You know, there's probably	18 Q. What about the paralegals at the Bevan firm? Do
20	an occasional e-mail, hey, let's all meet at	19 they use private e-mail accounts?
21	such-and-such time or something like that.	20 A. I think they're probably using Bevan Law e-mail
22	Q. Do you send and receive AOL e-mails on your phone?	21 accounts.
23	A. Yeah.	22 Q. But you don't know for sure one way or the other?
24	Q. Did you check your --	23 A. I'm -- I'm not positive, but I think.
25	A. Well, I receive them. I don't know if I ever	24 Q. But it's possible they too use private e-mail
		25 accounts?

THOMAS W. BEVAN, ESQ. - 02/21/2018

Pages 22..25

Page 22		Page 24
1 A.	It's possible. I don't know.	1 going to do a search, so I don't know if I gave
2 Q.	Have you asked Erin Clark whether she uses a	2 them the details or not.
3 private e-mail account?		3 Q. Did they provide search terms to you?
4 A.	I don't know I've ever specifically asked her	4 A. I don't recall.
5 that.		5 Q. So they left the process of identifying e-mails up
6 Q.	If you look further down -- I'm sorry. If you	6 to you and your law firm; is that fair?
7 look at the second document that's attached to		7 MR. ROTH: Objection. Form and
8 Exhibit 61, this is the one that has the ECF		8 foundation.
9 heading 382 on it. Do you see that?		9 A. We talked about it, so I don't really recall how
10 A.	Okay. Yes.	10 we talked about it. They were involved, I know
11 Q.	This is an amendment of the November 30th, 2017	11 that.
12 order and you see on the bottom of page 2 onto		12 Q. Mr. Roth's firm was involved?
13 page 3 there's amended language for paragraph 8.		13 A. Whether it was Mr. Roth or whether it was Brendan,
14 Do you see that?		14 I don't recall.
15 A.	Yes.	15 Q. As you sit here today, was there any document
16 Q.	I won't read this whole thing in the interest of	16 describing the steps that were taken to identify
17 time. You can read it if you'd like to. But it		17 e-mails that are responsive to BASF's subpoena?
18 says in words and substance that the Bevan firm		18 A. I'm -- I had a hard time following that one. I
19 shall review their perspective and physical		19 apologize. Could you say that again?
20 electronic files of the named class		20 Q. As we sit here today, is there any document that
21 representatives and the Bevan firm's physical and		21 describes the steps that your law firm took to
22 electronic files to determine whether e-mails		22 identify e-mails that are responsive to BASF's
23 exist. Do you see that at the top of page 3?		23 subpoena?
24 A.	Yes.	24 A. Not that I recall.
25 Q.	And then further down in the paragraph after Roman	25 Q. So after you received the court's order in late
Page 23		Page 25
1 v, it says, "Immediately transfer to BASF copies		1 November and early December, you undertook steps
2 of all documents where no privilege is being		2 to identify e-mails?
3 claimed." Do you see that?		3 A. Yes.
4 A.	Yes.	4 Q. Before receiving the court's November 30th, 2017
5 Q.	What steps did the Bevan firm take to comply with	5 order, had the Bevan firm done anything to try to
6 this order of the court?		6 identify e-mails that are responsive to BASF's
7 A.	We searched e-mails, like I talked about earlier.	7 subpoenas?
8 Q.	So whose e-mails did you search?	8 A. I believe so, but I'm -- I'm not sure on the
9 A.	Mine, Pat Walsh, Erin Clark, Josh Grunda, Dave	9 timing of all that.
10 Bates. I think Brenda Germ. Anybody that would		10 Q. So it's possible that before these orders, you
11 have been involved in the asbestos litigation.		11 hadn't searched for e-mails yet?
12 Q.	Anyone else?	12 MR. ROTH: Objection.
13 A.	I don't recall.	13 A. I guess it's possible. I'm not -- I'm not sure.
14 Q.	Which search terms did you use to identify e-mails	14 Q. In 2010 or 2011, before the Williams case was
15 from those individuals?		15 filed, did the Cohen Placitella law firm tell you
16 A.	I'm sure clients' names, you know, BASF, Eastern	16 to preserve the Bevan firm's e-mails that might
17 Magnesia Talc, talc.		17 relate to this case?
18 Q.	Is there a written list?	18 A. I don't recall if we had a conversation about it
19 A.	Not that I recall.	19 or not. Prior -- excuse me, prior to this lawsuit
20 Q.	Did you confer with Mr. Roth or anybody from	20 being filed? I don't know if we had a
21 Mr. Roth's law firm about search terms that should		21 conversation about it or not.
22 be used to identify e-mails called for by the		22 Q. What about after this lawsuit was filed? Has
23 court's order?		23 there ever been a conversation with Cohen
24 A.	I don't recall if I told them what we were going	24 Placitella regarding the preservation of Bevan Law
25 to search for. I'm sure we told them that we were		25 Firm e-mails?

THOMAS W. BEVAN, ESQ. - 02/21/2018 Pages 26..29

Page 26		Page 28
1 A. I'm sure there has been and I'm sure they told us	1 A. subpoena?	
2 to, you know, preserve everything. Don't destroy	2 A. That would not surprise me. I mean, we're talking	
3 anything.	3 about a time when we did not use e-mail very	
4 Q. Is there any written document that discusses the	4 often, so no, that wouldn't surprise me.	
5 Bevan Law Firm's preservation of e-mails?	5 Q. When did you -- when did your law firm start using	
6 A. Not that I recall.	6 e-mail?	
7 Q. No e-mail confirmation from them to you regarding	7 A. I don't know. I would say probably in the early	
8 document preservation?	8 2000s somewhere.	
9 A. I really don't know.	9 Q. And you said you used AOL as of 2000, correct?	
10 Q. When did the conversation you're thinking of	10 A. I don't know when I first started using AOL, but	
11 occur?	11 AOL is what I've always used.	
12 A. I don't recall. I'm sure it would have been	12 Q. But 2000 give or take sounds roughly correct to	
13 sometime in the last ten years, but I don't	13 you?	
14 recall.	14 A. You know, give or take, you know, years. But	
15 Q. 2010? 2015? 2018?	15 yeah.	
16 MR. ROTH: Objection.	16 Q. So Ms. Darnell's case would have been within the	
17 A. I -- oh, I'm sure it was before 2018. I don't	17 period that you -- your law firm has used e-mail,	
18 recall when, though. It was some time ago.	18 correct?	
19 Q. Who was involved in the conversation?	19 A. I don't know. Her -- her case would have	
20 A. Chris Placitella.	20 concluded in 2002, so whether I was using e-mail	
21 Q. You and Chris Placitella?	21 to communicate on a business side, I don't think I	
22 A. Yes.	22 was at that point, but I don't know.	
23 Q. Anyone else?	23 Q. Ms. Holley, who is the representative of	
24 A. I don't recall anybody else.	24 Ms. Darnell, is still filing claims today,	
25 Q. What was said in the conversation?	25 correct?	
Page 27		Page 29
1 A. I recall Chris Placitella telling me not to	1 A. Yes.	
2 destroy anything.	2 Q. Were you aware that not a single e-mail has been	
3 Q. Anything else?	3 produced by your law firm related to Ms. Holley's	
4 A. I don't recall anything else.	4 claims?	
5 Q. What did you say?	5 A. It wouldn't surprise me.	
6 A. I said we would not.	6 Q. So nobody at the Bevan firm, in the course of the	
7 Q. So what steps did you take to ensure that nothing	7 15 to 20 years that Mr. Darnell or Ms. Holley has	
8 was destroyed?	8 been litigating asbestos cases, has ever used	
9 A. I didn't destroy anything, I guess would be the	9 e-mail in connection with those cases?	
10 best way to put it.	10 MR. ROTH: Objection.	
11 Q. Did you take any steps to override any systems you	11 A. I cannot recall ever using an e-mail, and I was	
12 might have that would otherwise result in the	12 the one handling the case. So I don't think I've	
13 deletion of electronic information?	13 ever communicated by e-mail with Marilyn Holley.	
14 MR. ROTH: Objection.	14 I'm certain I never communicated by e-mail with	
15 A. I don't know what systems those would be, so I --	15 her mother, Kathryn Darnell. So --	
16 Q. You don't know?	16 Q. What about any of the parties in that case?	
17 A. I don't know what you're talking about, so no, I	17 A. As far as the litigation, that was completed in	
18 don't know.	18 2002 and I don't recall using e-mail for that	
19 Q. How many e-mails were identified in the process of	19 purpose. But, you know, maybe we did, but I don't	
20 the searches you undertook in November or December	20 recall it.	
21 2017?	21 Q. How about e-mails related to the bankruptcy trust	
22 A. I don't recall.	22 claims that have been filed?	
23 Q. Does it sound right to you that before this week,	23 A. I don't know that there would be any e-mails	
24 fewer than 20 e-mails were identified by the Bevan	24 related to that.	
25 Law Firm and produced to BASF in response to its	25 Q. Not a single e-mail sent within the Bevan firm,	

THOMAS W. BEVAN, ESQ. - 02/21/2018

Pages 30..33

Page 30		Page 32	
1	hey, what's the status of Ms. Holley's claim	1	produced to BASF last night; is that correct?
2	against this bankruptcy trust?	2	A. Yeah, I don't know what was produced. Yes -- no.
3	A. Yeah, not that I know of.	3	Q. Do you know why these additional e-mails were
4	Q. Did you look for those sorts of e-mails?	4	produced last night?
5	A. I believe those would have turned up on the	5	A. I don't know anything about it.
6	search.	6	Q. Were you aware that they were being produced?
7	Q. What search terms would have identified e-mails	7	A. Not until you told me.
8	related to the bankruptcy trust filings?	8	Q. Do you know why they weren't produced to BASF in
9	A. Darnell.	9	December of 2017?
10	Q. That's the only one?	10	A. I don't know what they are, so I don't know.
11	A. I assume it would be Darnell.	11	Q. Have you taken any steps to audit the searches
12	Q. Does your AOL e-mail account automatically delete	12	that you've done to confirm that you actually
13	any of your e-mails?	13	found the documents you were looking for?
14	A. I don't know. I don't think so, but I don't know.	14	A. I don't know what you mean by that.
15	Q. So all of the e-mails you've sent or received from	15	Q. Did you do anything to test, hey, did the search
16	your AOL e-mail account going back to when you	16	terms that I used actually find the documents that
17	first started using it are still available to you?	17	relate to Ms. Darnell's case, for example?
18	A. Unless I deleted them.	18	A. I don't -- I don't know other than we found
19	Q. Let's set aside the e-mails you've intentionally	19	documents when we did a search, so --
20	deleted for a minute. Are there any e-mails	20	Q. Other than doing the search itself, you didn't
21	you've sent or received from your AOL account that	21	take any additional steps to confirm that your
22	have been deleted automatically by some computer	22	searches were actually identifying the documents
23	system?	23	that were called for by BASF's subpoena?
24	A. I don't know that it does that, I don't think, but	24	A. I guess I looked at the documents that came up on
25	I don't know.	25	that search and they were, in fact, you know,
Page 31		Page 33	
1	Q. You don't know one way or the other?	1	documents that were properly identified.
2	A. I believe not, but I don't know.	2	Q. Did you take any steps to see whether the search
3	Q. But you've deleted e-mails from your AOL account?	3	terms you used were not identifying some of the
4	A. Sure.	4	documents that were responsive to BASF's subpoena?
5	Q. What's your normal practice for deciding to delete	5	MR. ROTH: Objection.
6	an e-mail?	6	A. I don't know what steps I could have taken. I
7	A. If it's an irrelevant e-mail that I don't need to	7	don't know.
8	keep, then I get rid of it.	8	Q. But you didn't take any?
9	Q. What do you mean by "irrelevant e-mail"?	9	MR. ROTH: Objection.
10	A. It's, you know, a junk e-mail. It's an e-mail	10	A. I don't know what would qualify for that, so I
11	regarding subject matter that doesn't concern me.	11	don't know really.
12	If there's no purpose for keeping it.	12	Q. We haven't yet received a privilege log related to
13	Q. Do you keep all of the e-mails that you send or	13	the e-mails that were produced to BASF last night.
14	receive related to cases you're handling?	14	Do you know the status of that privilege log?
15	A. I don't think so.	15	A. No.
16	Q. So you routinely discard those?	16	Q. Are you responsible for preparing it?
17	A. If it's not something that needs to be kept, yes.	17	A. No.
18	Q. Did you continue doing that after the end of 2010?	18	Q. Who is preparing the privilege logs on behalf of
19	A. I do it to this day. If it's not an e-mail I need	19	the Bevan firm?
20	to keep, I would delete it.	20	A. I would assume either Brandon or the Placitella
21	Q. Do you recall deleting any e-mails relating to the	21	firm.
22	subject matter of the Williams case since 2010?	22	Q. Will we get the privilege log before the end of
23	A. I do not recall, no.	23	this week?
24	Q. I think you told me earlier, Mr. Bevan, that you	24	A. I leave that to them.
25	weren't aware that additional e-mails were	25	Q. So you don't know?

THOMAS W. BEVAN, ESQ. - 02/21/2018

Pages 34..37

Page 34		Page 36
1 A.	I don't know.	1 e-mails that have been produced to BASF concerning the Graham case?
2 Q.	Do you keep your AOL e-mails in the new mail folder in AOL or to an old mail folder on your AOL account?	3 MR. ROTH: Objection.
4 A.	If -- if it's something that I'm -- if I don't want to lose sight of it, I would keep it in the new mail. If I don't think it's something that I need to have within sight, then I would let it go to the old e-mail.	4 A. That's all we were able to locate.
5 Q.	So there are some e-mails that you do move to the -- to a folder?	5 Q. How many defendants were in the Graham case when it was filed?
6 A.	I don't move anything, no. I believe if you open it up and if I want to keep it in new mail, I then have to hit "mark as unread." If I want it to -- if I just don't need it at all, I can hit "delete" and it goes away, as far as I know. If I don't hit "delete" and I don't hit "mark as unread," then it goes into old, I believe is the way it works.	7 A. I don't know. I would say 20 or 30, but I don't really know.
10 Q.	Okay. For the e-mails that go into the old folder, do you dispute that e-mails in that old folder are automatically deleted after 30 days?	9 Q. Does north of 90 sound correct to you?
11 A.	Oh, yeah, I would dispute that for sure.	10 A. You know, it could have been. I don't really know.
12 Q.	So you have e-mails going back more than 30 days in the old mail folder?	12 Q. So the Bevan firm filed litigation against a couple of dozen defendants at least on behalf of Mrs. Graham, correct?
13 A.		14 A. Yes.
14 Q.		15 Q. And that case was pending for several months, if not years, correct?
15 A.		16 A. Yes.
16 Q.		17 Q. And then after the formal litigation was over, your firm continued to file bankruptcy trust claims on behalf of Mrs. Graham or her estate, correct?
17 A.		18 A. Yes.
18 Q.		19 Q. And then after the formal litigation was over, your firm continued to file bankruptcy trust claims on behalf of Mrs. Graham or her estate, correct?
19 A.		20 A. Yes.
20 Q.		21 Q. So we're talking about multiple years of litigation or bankruptcy trust filings, right?
21 A.		22 A. Yes.
22 Q.		23 Q. So we're talking about multiple years of litigation or bankruptcy trust filings, right?
23 A.		24 Q. So we're talking about multiple years of litigation or bankruptcy trust filings, right?
24 Q.		25 A. Yes.
25 A.		
Page 35		Page 37
1 A.	Oh, I -- when I search, when I searched e-mails more than 30 days come up for sure. So whether that's being held in old mail or somewhere else, I guess I really don't know, but they don't disappear, I know that. You know, if I don't delete it, it doesn't disappear, as far as I know. Because if I search it, I can find e-mails from three years ago.	1 A. Yes.
2 Q.	So we talked a bit about the Darnell case. You were saying at that period of time you didn't know to what extent e-mails were used. What about the Catherine Graham case, which was 2008, give or take? I assume your firm was using e-mails by 2008?	2 Q. So in the multiple years of litigation or bankruptcy trust filings, again, several dozen defendants or bankruptcy trusts, your firm has only identified a couple of dozen e-mails? Is that your testimony?
3 A.		3 MR. ROTH: Objection.
4 Q.		4 A. I'm basing it on your representation that we produced -- we produced what we had. Okay. So that's what we found. I don't -- I didn't count them, so I don't know how many.
5 A.		5 Q. What did you do to prepare for this deposition, Mr. Bevan?
6 Q.		6 A. I looked at the deposition notice, thought about what we did in response to the document request.
7 A.		7 Q. Did you talk to anybody about what you did?
8 Q.		8 A. No.
9 A.		9 Q. Did you review any of the documents that had been produced?
10 Q.		10 A. I did not.
11 A.		11 Q. Did you review correspondence related to materials that had been produced by your firm?
12 Q.		12 MR. ROTH: Well, object to the form.
13 A.		13 A. No.
14 Q.		14 Q. So you looked at the deposition notice and you

THOMAS W. BEVAN, ESQ. - 02/21/2018 Pages 38..41

Page 38		Page 40
1	thought about what had been done and that was the extent of your preparation for today?	1 Q. Did you tell them by e-mail?
2	A. Yes. I didn't know what else I could have done, so --	2 A. I don't recall telling them by e-mail.
3	Q. Well, you could have talked to the people who participated in the collection of documents, correct?	3 Q. How do you recall telling them that?
4	A. I didn't need to. I did it at the time. I know what we talked about.	4 A. I know we've had oral conversations on it.
5	Q. Well, so if you did it at the time and you didn't need to talk to anybody, then you can tell me how many e-mails were produced by your firm, correct?	5 Q. Who was involved in those conversations?
6	A. I never counted them, and I'm sure they didn't count them either.	6 A. I'm certain Mike Coren.
7	Q. But it was not something you looked into before coming here today to testify as the records custodian of your firm?	7 Q. Anyone else?
8	MR. ROTH: Objection.	8 A. I believe Jared Placitella.
9	A. I wasn't asked to testify about how many e-mails we produced or the number of e-mails we produced to the relation to the Graham case.	9 Q. Anyone else?
10	Q. You thought that was beyond the scope of this deposition?	10 A. I don't recall.
11	MR. ROTH: Objection.	11 Q. When did you take the hard copy Bevan files concerning asbestos cases and convert them to electronic files?
12	A. I don't see the importance of it, but --	12 A. I believe it started in 2005, but I'm not positive of that.
13		13 Q. When did you finish?
14		14 A. Well, we do it on a regular basis. Anything new that comes in gets scanned and preserved electronically.
15		15 Q. So even today you're doing that?
16		16 A. Yes.
17		17 Q. Have you been doing it -- have you been converting hard copy documents to electronic documents basically continuously since you started in 2005?
18		18 A. Yes.
Page 39		Page 41
1	Q. You don't see the importance of identifying e-mails related to the Graham case in response to BASF's subpoena?	1 Q. What happens to the original hard copy documents after you scan them?
2	A. That's not what I said.	2 A. They get discarded.
3	Q. You tell me, sir. What did you mean, you didn't see the importance of it?	3 Q. Why do you do that?
4	A. I didn't see the importance of the number of e-mails that we produced on the Graham case.	4 A. Because the purpose of having electronic copies is for easier access and easier storage, and so it wouldn't make any sense to have both an electronic copy and a hard copy.
5	Q. Before October 27, 2017, had you, in words or in substance, conveyed to your counsel, Mr. Little, or the Plaintiffs' counsel, the Cohen Placitella firm, that the Bevan Law Firm's documents concerning asbestos litigation had been scanned and converted into electronic files?	5 Q. In your mind, is there any material difference between an electronic version of a document and the original hard copy of a document?
6	A. I don't know when we conveyed that to them. I don't know. I know we conveyed it to them. When, I just don't know.	6 A. MR. ROTH: Objection.
7	Q. You can't tell me one way or the other?	7 A. In my mind, no.
8	A. No.	8 Q. Do you think that when you first started -- withdrawn.
9	Q. Do you dispute that you told them that before October of 2017?	9 A. When you first started communicating with the Cohen Placitella firm in the late 2010, 2011 time period regarding the filing of the Williams case, did you tell them at that time that you had scanned your hard copy files into electronic files?
10	MR. ROTH: Objection.	10 A. I don't recall.
11	A. I really don't know when we -- I told them that.	11 Q. You don't know one way or the other?
12	Q. Are there any documents on that?	12 A. No.
13	A. I doubt it.	13 Q. Did they ask you about your files?

THOMAS W. BEVAN, ESQ. - 02/21/2018

Pages 42..45

Page 42		Page 44
1 A. I don't recall.		1 claims, I'm not sure because I'm not sure of the
2 Q. Any e-mail correspondence about that?		2 time frame.
3 A. Not that I recall.		3 So once we got to the electronic storage,
4 Q. Why did you start scanning hard copy files in		4 nothing was being destroyed, even while bankruptcy
5 2005?		5 claims were being filed. But from a time
6 MR. ROTH: Objection.		6 standpoint, I don't know on the timing on that.
7 A. We were running out of storage space. We were		7 Q. Okay. So if I understand you correctly, for
8 adding as much as a file cabinet a week to our		8 anything done after 2005 on behalf of a client,
9 client files and it was becoming too complicated		9 you have all of their documents, correct?
10 to keep track of files, too complicated to keep		10 A. I'm going to again preface that and say I'm not
11 track of the contents of the files, and we decided		11 sure of the exact date. I'm saying around 2005
12 we needed to go a better way, and that's why we		12 would have been the earliest.
13 went electronic.		13 Q. Okay.
14 Q. Did you scan every piece of paper that you had in		14 A. It may have been 2006. You know, I don't know.
15 hard copy form as of 2005?		15 Q. You tell me if I have this wrong, but sometime
16 A. I believe we did, yes.		16 around 2005 or 2006, your firm started a process
17 Q. So nothing was -- withdrawn.		17 of scanning all documents received relating to
18 To your knowledge, were there any hard		18 cases you were handling, correct?
19 copy documents that have not been scanned by the		19 A. Yeah, documents that we would receive, yes.
20 Bevan Law Firm?		20 Q. And since you started --
21 A. Well, since we went electronic, I don't recall		21 A. Let me preface that. You know, if it was a case
22 anything that hasn't been scanned.		22 that we were litigating and somebody sent us a
23 Q. What were your file storage practices before 2005?		23 pleading in the mail, we wouldn't scan that if it
24 A. We had a physical file for every client, and as		24 was an irrelevant pleading or something that we
25 things came in pertaining to that client's case,		25 didn't need. We wouldn't scan that.
Page 43		Page 45
1 things were stuck into that physical file.		1 Q. How did you determine whether it was worth
2 Q. And how long would they -- withdrawn.		2 scanning or not?
3 How long would the documents put in		3 A. I looked at it and determined whether I wanted to
4 client files be kept?		4 scan it or not.
5 A. There was no formal policy, so from time to time,		5 Q. You were the one who decided that or did somebody
6 you know, I would thin out a file or if we		6 else decide it?
7 concluded a case, I would destroy everything that		7 A. It would be mostly me.
8 I thought wasn't necessary to keep. Just try to		8 Q. So for cases that were pending after you started
9 shrink it down just for space reasons.		9 the scanning project, some of the documents
10 Q. Would you thin out a file, to use your words,		10 related to those cases may have been discarded,
11 while bankruptcy trust claims were still being		11 correct?
12 filed on behalf of that client?		12 A. If it would be court pleadings, correct.
13 A. I don't know.		13 Q. Where do you keep the scanned version of these
14 Q. Do you dispute that client files of the Bevan firm		14 documents?
15 would have been discarded in some respect while		15 A. Scanned -- I'm assuming that it is on our server.
16 bankruptcy trust claims were being filed or were		16 I'm not a computer expert, but I believe that's
17 pending on behalf of clients?		17 where they would be.
18 MR. ROTH: Objection.		18 Q. You're not sure, though?
19 A. I don't know, and the reason why is because		19 A. You're talking about where the computer is or -- I
20 primarily that bankruptcy filing started in 2005		20 mean, it's on a computer, so it's --
21 or sometime around there is when 75 or 90 percent		21 Q. Well, you have to save electronic data someplace,
22 of the bankruptcy trusts went online and we		22 correct?
23 started filing those claims. So whether we had		23 A. Yes.
24 gotten to the point of electronic storage by the		24 Q. It has to be saved to a drive someplace?
25 time we started filing all those bankruptcy		25 A. Yes.

THOMAS W. BEVAN, ESQ. - 02/21/2018

Pages 46..49

Page 46	Page 48
1 Q. What drive are your electronic files saved to?	1 that case --
2 A. It's on some -- on the computer somewhere. I	2 A. Okay.
3 don't know what the name of the drive is.	3 Q. -- would your firm have saved that motion in
4 Q. Okay. But you have -- withdrawn.	4 Ms. Darnell's client file or in the other file
5 The Bevan firm has a server that contains	5 you're referring to?
6 client documents, correct?	6 A. Most likely neither. If the defendant filed a
7 A. Yes.	7 motion, it would be on the electronic court
8 Q. Did your firm search that server for documents	8 docketing. At the time of the Darnell, it was
9 that are responsive to BASF's subpoena?	9 probably the Clad system. So we wouldn't have
10 A. Yes.	10 saved anything, we would have just went to the
11 Q. How did you do that?	11 Clad system if we wanted to find a motion that was
12 A. Again, we searched terms. You know, whether it	12 filed.
13 would be BASF, talc, Eastern Magnesia Talc, we did	13 Q. What if it wasn't a filing? Let's take a
14 a search on the computer to see what documents	14 different example. What if defense counsel sent
15 came up with those terms in it.	15 you a letter concerning the Darnell case --
16 Q. Are the documents word searchable?	16 A. Okay.
17 A. There's -- and I want to be clear, there's two	17 Q. -- what would you do with that letter?
18 different things. There's the client files. I	18 A. That, at the time I was litigating the Darnell
19 don't know whether those are word searchable or	19 case, I would have had a hard file and I would
20 not. They're in a program called Intact. Other	20 have had a correspondence file in that hard file
21 documents would be, as far as I know, searchable	21 and I would have stuck it in there, if I thought
22 because we did a search for that and pulled up	22 it was worthy to save. You know, if it was just,
23 documents related to that.	23 hey, nice seeing you at the deposition, no, I
24 Q. So some of the documents are word searchable and	24 would throw it away. But if it was something I
25 some are not?	25 thought needed to be saved, I would put it in,
Page 47	Page 49
1 MR. ROTH: Objection.	1 that.
2 A. I don't know the answer to that.	2 Q. And when you say "in that," this correspondence
3 Q. You don't know?	3 file, is that separate from the client file?
4 A. I do not know.	4 MR. ROTH: Objection.
5 Q. Who would know?	5 A. And again, I'm speaking of when we litigated
6 A. I don't know.	6 Darnell, but the same goes for, you know, Williams
7 Q. Is there anybody at the Bevan Law Firm who could	7 and Clark. And at the time we didn't have an
8 tell us whether some portion of the Bevan Law Firm	8 electronic filing, so I would have put it in the
9 electronic documents are word searchable?	9 hard file. When the litigation part of the
10 A. You're going to have to be a bit more clear.	10 Darnell case was over, that's when I would have
11 Okay. We have the client files, okay. So for	11 culled that file to, you know, save what I thought
12 instance, these specific client files that we	12 needed to be saved.
13 talked about, which is Graham and Darnell and	13 Q. Does the Bevan Law Firm have a file related to the
14 Clark and Williams and, I think Weir, we didn't	14 National Tire Worker Litigation Project?
15 search those client files because we produced the	15 A. And to be clear, you're talking about the project
16 whole file. So we didn't do a search on it.	16 started by Attorney Stemple in the 1980s?
17 Their stuff wouldn't be in somebody else's file.	17 Q. I'm talking about the project known as the
18 With respect to documents, primarily	18 National Tire Worker Litigation Project. You've
19 pleadings, it could be correspondence or	19 heard that before, correct?
20 pleadings, we did a search on that and pulled up	20 A. I've heard it in terms of a project started by
21 documents on that. Those aren't documents that	21 Attorney Gordon Stemple from California, and he
22 are part of the client file. They're just	22 started that in the mid-1980s. So I've heard of
23 documents that are, you know, in the computer.	23 that, yes.
24 Q. So to take an example, if a defendant in	24 Q. In fact, your firm has handled cases alongside
25 Mrs. Darnell's asbestos case filed a motion in	25 Mr. Stemple, right?

THOMAS W. BEVAN, ESQ. - 02/21/2018

Pages 50..53

<p>1 A. I would -- I would say definitely not alongside 2 Mr. Stemple. I would say that -- so I would say 3 no in answer to your specific question.</p> <p>4 Q. You haven't seen court filings that has your 5 firm's name right next to the Stemple firm's name?</p> <p>6 A. I don't recall if I've seen court filings that had 7 Stemple's name on it.</p> <p>8 Q. Okay. Based on your understanding of what the 9 National Tire Worker Litigation Project is, has 10 your firm ever had a file on the National Tire 11 Worker Litigation Project?</p> <p>12 A. Not that I know of. A file dedicated to the 13 National Tire Worker Litigation Program? No.</p> <p>14 Q. Have you ever had a file related to the National 15 Tire Worker Litigation Project?</p> <p>16 A. Well, when I started as a law firm in 1989, we had 17 approximately 180 cases or so, and those cases had 18 originated through the Stemple firm, which he 19 titled the National Tire Litigation Project.</p> <p>20 Q. Okay. My question was, has your firm ever had a 21 file related to the National Tire Worker 22 Litigation Project?</p> <p>23 A. Not that I know of.</p> <p>24 Q. Is there a person at the Bevan firm who is 25 responsible for your electronic server?</p>	<p>Page 50</p> <p>1 A. Correct.</p> <p>2 Q. If you received a piece of correspondence relating 3 to that case, how would you file that 4 correspondence? Would it go into client A's file? 5 Client B's file? All of their files? Ten copies 6 of the same letter? How would you handle that?</p> <p>7 A. I don't -- I don't think it would go in into each 8 file. I guess I would look at it and determine if 9 it was a letter that I even needed to save. If it 10 was thanks for agreeing to a 30-day continuance, 11 I'm going to toss it in the trash. I never saved 12 a piece of paper like that.</p> <p>13 Q. What if it was something more substantive?</p> <p>14 A. I -- you know, I can't think of it. I'm trying to 15 think of an instance. If it was -- the best I can 16 do is give you an example. Okay. So if it was a 17 letter pertaining to a settlement of cases, I may 18 have a settlement file. For instance, I had a 19 talc settlement file, and if I had a letter 20 pertaining to that and I thought it was something 21 I should keep, I would stick it in my talc 22 settlement file.</p> <p>23 Q. Has the entirety of talc settlement file been 24 produced to BASF?</p> <p>25 A. It was produced to counsel.</p>
<p>Page 51</p> <p>1 A. What do you mean by "responsible"?</p> <p>2 Q. Do you have an IT person?</p> <p>3 A. We have, not in the house, an IT person.</p> <p>4 Q. Is there somebody responsible for organizing the 5 files on your server?</p> <p>6 A. I guess the best way I can answer that is when we 7 scan a file, the computer program Intact organizes 8 those files. So when we scan a file, it's got a 9 cover sheet on there, identifies what the document 10 is and the computer program -- program 11 automatically sticks it in that file. So I would 12 say Intact is responsible for organizing those 13 files.</p> <p>14 Q. Okay. No human being?</p> <p>15 A. Well, the human being puts the documents in the 16 scanner, but then the document gets automatically 17 placed in that file by the program, as far as I 18 know.</p> <p>19 Q. Over the course of your career, Mr. Bevan, you 20 filed asbestos cases on behalf of multiple 21 plaintiffs at the same time, correct?</p> <p>22 A. Correct.</p> <p>23 Q. So you'd have five, ten, whatever the number is 24 plaintiffs, co-plaintiffs who were all in the same 25 case?</p>	<p>Page 53</p> <p>1 Q. So Mr. Roth's firm has the whole talc settlement 2 file?</p> <p>3 A. Correct.</p> <p>4 Q. How many documents were in the talc settlement 5 file?</p> <p>6 A. I don't know. I didn't count them.</p> <p>7 Q. An inch? Two inches? Six boxes?</p> <p>8 A. I would say -- I would say anywhere from 6 inches 9 to 12 inches.</p> <p>10 Q. Okay. And Mr. Roth has all of those documents?</p> <p>11 A. Correct.</p> <p>12 Q. Do you have any what I would call a general 13 file --</p> <p>14 A. Actually, let me -- I'm not sure if Mr. Roth has 15 it or Mr. Little. I'm not sure which one has it.</p> <p>16 MR. ROTH: So by my count, when we were 17 interrupted a couple of seconds ago, it was 18 an hour. I don't know whether you've had a 19 time on here.</p> <p>20 MR. FARRELL: I just have two more 21 questions. Are we calling it an hour or not?</p> <p>22 MR. ROTH: I'm calling it an hour, but I 23 don't know what time -- what -- whether, you 24 know, somebody's got it -- I don't want to 25 have a dispute, no longer than an hour.</p>

THOMAS W. BEVAN, ESQ. - 02/21/2018

Pages 54..57

Page 54		Page 56
1	MR. FARRELL: Can I ask my one more	1 WITNESS CERTIFICATE
2	question or no?	2
3	MR. ROTH: You can ask the question.	3 I, THOMAS W. BEVAN, ESQ., do hereby certify that I
4	I'll decide whether he can answer it. Let me	4 have read my deposition taken on February 21, 2018, in
5	see the document.	5 the case of Kimberlee Williams, et al., versus BASF
6	MR. FARRELL: Sure.	6 Catalysts, LLC, et al., consisting of 58 pages, and
7	MR. ROTH: Does this relate to your last	7 that said deposition is a true and correct
8	question in terms of where it's stored?	8 transcription of my testimony with changes as noted on
9	MR. FARRELL: Yeah.	9 the errata sheet.
10	Q. Let me show you, Mr. Bevan, what we have	10
11	previously marked as Defendant's Exhibit 8. It	11 Thomas W. Bevan, Esq.
12	was marked at Ms. Holley's deposition in this case	12
13	from last April. And you see this is a May 25,	13 Dated this _____ day of _____, 2018.
14	2001 letter from the Mansour Law Firm to you	14
15	concerning Ms. Darnell's case and others.	15
16	A. Uh-huh.	16
17	Q. My question for you, you received this letter at	17 Sworn to and subscribed before me this _____
18	the time in 2001, right?	18 day of _____, 2018.
19	A. I don't recall the letter, but, you know, it looks	19
20	like a communication that I could have received	20
21	from Sam Martillotta.	21 Notary Public
22	Q. Do you know why this letter wasn't produced from	22
23	the Bevan Law Firm's files? Response to BASF's	23 My commission expires _____.
24	subpoena?	24
25	MR. ROTH: Objection, but --	25 AP
Page 55		Page 57
1	A. I could give you a couple different possibilities.	1 ERRATA SHEET
2	Q. Go ahead.	2 Witness Name: Thomas W. Bevan, Esq.
3	A. The likely possibility is I didn't save it, okay,	3 Date of Deposition: February 21, 2018
4	and so I wouldn't have had it to produce. That's	4 Case: Kimberlee Williams, et al. Versus BASF
5	the most likely possibility. The second	Catalysts, LLC, et al.
6	possibility is I passed it on to counsel and they	5
7	didn't produce it to BASF.	6 Page Line Change and Reason for Change
8	Q. All right. Thank you, Mr. Bevan.	7 _____
9	MR. BEVAN: Do you guys want me to read	8 _____
10	this or can I waive?	9 _____
11	MR. ROTH: I think you can read it.	10 _____
12	-----	11 _____
13	(Signature was not waived by the Witness.)	12 _____
14	-----	13 _____
15	(The deposition was concluded at 12:52 p.m.)	14 _____
16	-----	15 _____
17		16 _____
18		17 _____
19		18 _____
20		19 _____
21		20 _____
22		21 _____
23		22 _____
24		23 _____
25		24 _____
		25 _____
		AP

THOMAS W. BEVAN, ESQ. - 02/21/2018

Page 58

Page 58

1 C E R T I F I C A T E

2 STATE OF OHIO,)

) SS:

3 SUMMIT COUNTY.)

4 I, Anika W. Patrick, a Registered Merit Reporter,
 Certified Realtime Reporter and Notary Public within
 5 and for the State of Ohio, duly commissioned and
 qualified, do hereby certify that the within-named
 6 Witness, THOMAS W. BEVAN, ESQ., was by me first duly
 sworn to testify the truth, the whole truth and nothing
 7 but the truth in the cause aforesaid; that the
 testimony so given by him was by me reduced to
 8 Stenotypy in the presence of said witness; afterwards
 prepared and produced by means of Computer-Aided
 9 Transcription, and that the foregoing is a true and
 correct transcription of the testimony so given by him
 10 as aforesaid.

11 I do further certify that this deposition was
 taken at the time and place in the foregoing caption
 12 specified, and was completed without adjournment.

13 I do further certify that I am not a relative,
 employee of or attorney for any party or counsel, or
 14 otherwise financially interested in this action.

15 I do further certify that I am not, nor is the
 court reporting firm with which I am affiliated, under
 16 a contract as defined in Civil Rule 28(D).

17 IN WITNESS WHEREOF, I have hereunto set my hand
 18 and affixed my seal of office at Akron, Ohio, this 28th
 day of February, 2018.

19 

20
 21 Anika W. Patrick, RMR, CRR & Notary Public
 My commission expires March 13, 2020

22

23

24

25

THOMAS W. BEVAN, ESQ. - 02/21/2018

i1

1	25:14 41:17 2015 26:15	60 9:14,17 61 12:6,9,23 13:5 22:8 6th 12:12	address 17:10 ago 18:11 26:18 35:8 53:17 agreeing 52:10 ahead 55:2 alleged 7:11 alongside 49:24 50:1 amended 22:13 amendment 12:13 22:11 answer 16:18 17:2,3 18:18 47:2 50:3 51:6 54:4 anticipation 15:2 anybody 6:7 8:10,18 20:11 21:6 23:10,20 26:24 37:16 38:11 47:7 AOL 17:7,9,13 18:10,14,22 19:1,4,9,13,22 20:9,13 28:9,10,11 30:12,16,21 31:3 34:2,3 35:16 apologize 24:19 approximately 50:17 April 54:13 aren't 47:21 asbestos 7:5,6 21:7,12 23:11 29:8 39:13 40:12 47:25 51:20 aside 30:19 asked 22:2,4 38:19
2	3 3,000 8:3 30 34:22,24 35:2 36:7 30-day 52:10 30th 12:10 22:11 25:4 372 12:18 381 12:12 13:2 382 12:13 22:9	7 8 9 90 36:9 43:21 A A's 52:4 able 36:4 access 41:6 account 17:13 18:10,15,23 19:1, 5,10,13 20:12,15,21,24 22:3 30:12,16,21 31:3 34:4 35:16 accounts 20:17 21:2,19,21,25 35:22 action 15:3 adding 42:8 addition 20:23 additional 31:25 32:3,21	
3	4 4 12:17,21 13:4 6 6 13:4,6 14:8,20 53:8		
4			

THOMAS W. BEVAN, ESQ. - 02/21/2018

i2

asking 16:17	44:4	50:24 51:19 54:10,23 55:8,9	calls 12:21
aspects 19:1	Based 50:8	beyond 38:22	can't 39:18 52:14
ASSAF 12:19	BASF 9:18 10:9,25 11:4,15,18 18:7,8 23:1,16 27:25 32:1,8 33:13 36:1 46:13 52:24 55:7	bit 35:9 47:10	capacity 11:22
associate 7:7,13 10:14	BASF's 11:14 12:2 17:14 20:6 21:5 24:17,22 25:6 32:23 33:4 39:3 46:9 54:23	bottom 22:12	cards 5:11
associated 17:19	basically 40:24	boxes 53:7	career 51:19
Associates 9:8	basing 37:8	Boyle 6:17	case 5:13,17,19,21,23 6:1,12, 25 7:4,6,9,12,16 8:12,14 9:2,4,5,6,19 11:5 12:11 19:8 25:14,17 28:16,19 29:12,16 31:22 32:17 35:9,12,17,20 36:2,5,16 38:21 39:2,8 41:19 42:25 43:7 44:21 47:25 48:1, 15,19 49:10 51:25 52:3 54:12,15
assume 11:8 30:11 33:20 35:13, 15	basis 40:17	Brandon 33:20	cases 6:15,22 7:24 8:3,8 21:12 29:8,9 31:14 40:12 44:18 45:8,10 49:24 50:17 51:20 52:17
assuming 45:15	batch 11:3	Brenda 23:10	Catherine 35:12
attached 22:7	Bates 21:14 23:10	Brendan 24:13	center 13:3
attorney 5:20 7:3 9:3 49:16,21	becoming 42:9	brings 12:21	certain 16:9,21 29:14 40:6
attorneys 20:14,16,18,20 21:11 35:23	behalf 7:24 10:4 33:18 36:13,21 43:12,17 44:8 51:20	brought 5:9	certified 5:4
audit 32:11	believe 8:20,25 9:2,7,21,23 12:15 14:21 16:7 19:11 21:14 25:8 30:5 31:2 34:12,18 40:8,14 42:16 45:16	bunch 5:11	characterization 14:15
auto 16:4,6	best 21:1 27:10 51:6 52:15	Bureau 5:24 7:1 8:12	check 6:20 7:2 8:6,15 18:17 19:24 20:2,9
automatically 16:9,20 30:12,22 34:22 51:11,16	better 42:12	business 5:11 20:25 28:21	checked 20:5 21:13
available 30:17	Bevan 5:2,7 9:8,19 10:2,19 11:3 13:11,16,19 14:1,4,6,10, 20 15:1,19,22 16:8,13,23 19:9,13 20:11,12,21 21:3,11,18,20 22:18,21 23:5 25:5,16,24 26:5 27:24 29:6,25 31:24 33:19 35:19,23 36:12 37:13 39:12 40:11 42:20 43:14 46:5 47:7,8 49:13	C	Chris 26:20,21 27:1
aware 11:3,25 18:24 29:2 31:25 32:6		cabinet 42:8	Clad 48:9,11
		calendar 5:10	claim 7:7,15 30:1
B's 52:5		California 49:21	
back 11:11 30:16 34:24		call 8:5 53:12	
bankruptcy 29:21 30:2,8 36:20,25 37:3,4 43:11,16,20,22,25		called 14:9 23:22 32:23 46:20	
		calling 13:23 14:2,10 15:15 53:21,22	

THOMAS W. BEVAN, ESQ. - 02/21/2018

i3

claimed 23:3	communicating 41:16	continuously 40:24	counted 38:13
claims 28:24 29:4,22 36:21 43:11,16,23 44:1,5	communication 54:20	control 10:19 11:13	County 9:10,11
Clark 10:11,12 22:2 23:9 47:14 49:7	compensation 5:24 7:1,7,15 8:13	conversation 25:18,21,23 26:10,19,25	couple 35:25 36:13 37:5 53:17 55:1
class 15:3 19:7 22:20	completed 29:17	conversations 40:4,5	course 29:6 51:19
Clayton 7:10	complicated 42:9,10	convert 40:12	court 23:6 45:12 48:7 50:4,6
clear 6:23 46:17 47:10 49:15	comply 23:5	converted 39:14	court's 23:23 24:25 25:4
client 42:9,24 43:4,12,14 44:8 46:6,18 47:11,12,15,22 48:4 49:3 52:4,5	components 13:18	converting 40:22	Courthouse 9:12
client's 42:25	computer 20:10 30:22 45:16,19,20 46:2,14 47:23 51:7,10	conveyed 39:10,15,16	cover 51:9
clients 19:4 43:17	concept 16:19	Cook 7:10	CROSS- EXAMINATION 5:5
clients' 23:16	concern 31:11	copies 12:18 23:1 41:5 52:5	culled 49:11
co-plaintiffs 51:24	concerning 36:1 39:13 40:12 48:15 54:15	copy 6:14 9:18 12:20 40:11,23 41:1,8,11,20 42:4,15,19	current 7:24
Cohen 25:15,23 39:11 41:17	concluded 28:20 43:7 55:15	Coren 40:6	custodian 8:19 11:23,25 16:13 21:10 38:17
colleagues 19:12	confer 23:20	corporate 6:3	custodians 21:8
collection 38:6	confirm 32:12,21	correct 8:1 10:23 11:1,23 12:5, 22,23,24 13:16,24 14:20 15:3 28:9,12,18,25 32:1 36:9,14,17,22 38:7,12 44:9,18 45:11,12,22 46:6 49:19 51:21,22 52:1 53:3,11	custody 10:18 11:13
come 35:2	connection 29:9	correctly 44:7	D
comes 40:18	contains 20:6 46:5	correspondence 37:21 42:2 47:19 48:20 49:2 52:2,4	Darnell 28:24 29:7,15 30:9,11 35:9 47:13 48:8,15,18 49:6,10
coming 38:16	contents 42:11	counsel 11:18,19 13:11,22 14:4, 23 39:10,11 48:14 52:25 55:6	Darnell's 28:16 32:17 47:25 48:4 54:15
commanding 13:9	continuance 52:10	count 37:10 38:14 53:6,16	data 45:21
communicate 19:4,12 20:24 28:21	continue 31:18		date 44:11
communicated 19:7 29:13,14	continued 36:20		

THOMAS W. BEVAN, ESQ. - 02/21/2018

i4

Dave 21:14 23:9	depositions 6:24	48:8	E
day 31:19	describes 24:21	11:12 12:16 13:2,5,7,9, 15,19 14:22 15:2,4,6,19 22:7 24:15,20 26:4,8 37:15 41:10,11 51:9,16 54:5	e-mail 16:4,8,19,23,24 17:4,6,9, 12,13 18:15,22 19:1,5,9, 13,20 20:11,12,15,17,21, 24 21:2,19,20,24 22:3 26:7 28:3,6,17,20 29:2,9, 11,13,14,18,25 30:12,16 31:6,7,9,10,19 34:9 35:16,22 40:1,2 42:2
days 34:22,24 35:2	describing 24:16		e-mails 10:24 11:4 16:9,20 17:13 18:9,22 19:22 20:2,6 21:4,13 22:22 23:7,8,14, 22 24:5,17,22 25:2,6,11, 16,25 26:5 27:19,24 29:21,23 30:4,7,13,15, 19,20 31:3,13,21,25 32:3 33:13 34:2,10,20,21,24 35:1,7,11,13,16,19,20 36:1 37:5 38:12,19,20 39:2,8
decades 7:25	destroy 15:6 26:2 27:2,9 43:7		earlier 23:7 31:24
December 12:12 25:1 27:20 32:9	destroyed 27:8 44:4		earliest 44:12
decide 45:6 54:4	destroying 16:2		early 25:1 28:7
decided 42:11 45:5	destruction 15:23		easier 41:6
deciding 31:5	details 24:2		easily 7:2
dedicated 50:12	determine 16:15 21:3 22:22 45:1 52:8		Eastern 17:17 18:1 23:16 46:13
defendant 47:24 48:6	determined 45:3		ECF 12:11,13 22:8
Defendant's 9:14 12:6 54:11	didn't 10:7 20:3 27:9 32:20 33:8 35:10 37:10 38:3,8, 10,13 39:5,7 44:25 47:14,16 49:7 53:6 55:3, 7		ECF372 12:25
defendants 36:5,13 37:4	difference 41:9		ECF381 12:17,24
defense 9:17 11:18 48:14	different 46:18 48:14 55:1		eight 20:18
definitely 50:1	direct 11:17		either 11:14 12:2 33:20 38:14
delete 16:4,6 30:12 31:5,20 34:16,17 35:6	disappear 35:5,6		electronic 15:24 16:2 22:20,22
deleted 30:18,20,22 31:3 34:22	discard 16:9 31:16		
deleting 16:20 31:21	discarded 41:3 43:15 45:10		
deletion 27:13	discusses 26:4		
deposed 5:15	dispute 14:17 34:21,23 39:20 43:14 53:25		
deposition 5:18,19,21,22 6:4,9,14, 18,21,25 8:7,10,14,22 12:21 16:16 37:12,14,25 38:23 48:23 54:12 55:15	docketing	5:3	

THOMAS W. BEVAN, ESQ. - 02/21/2018

i5

27:13 39:14 40:13,23 41:5,7,10,20 42:13,21 43:24 44:3 45:21 46:1 47:9 48:7 49:8 50:25	fair 24:6 fairly 7:2 familiar 16:19 far 11:25 21:17 29:17 34:16 35:6 46:21 51:17 FARRELL 5:6 6:8,19 53:20 54:1,6,9 fewer 27:24 file 7:14 36:20 42:8,23,24 43:1,6,10 47:16,17,22 48:4,19,20 49:3,9,11,13 50:10,12,14,21 51:7,8, 11,17 52:3,4,5,8,18,19, 22,23 53:2,5,13 filed 5:23 7:13 8:2 9:9 25:15, 20,22 29:22 36:6,12 43:12,16 44:5 47:25 48:6,12 51:20 files 22:20,22 39:14 40:11,13 41:20,21,25 42:4,9,10,11 43:4,14 46:1,18 47:11, 12,15 51:5,8,13 52:5 54:23 filings 30:8 36:25 37:3 50:4,6 find 17:2,3 18:14,17 32:16 35:7 48:11 fine 6:6 finish 40:16 firm 5:21,22,23 7:4,8,11 8:10, 18 9:3,19 10:2,4,11,12, 15,19 11:3,12,21,23 12:1,3 13:16,23 14:1,10,	20 15:1,5,10,12,14,19,22 16:8,23 17:4 19:9,13,17 20:11,16,20,21,25 21:3, 11,18 22:18 23:5,21 24:6,12,21 25:5,15,25 27:25 28:5,17 29:3,6,25 33:19,21 35:13,19,23 36:12,20 37:4,22 38:12, 17 39:12 41:17 42:20 43:14 44:16 46:5,8 47:7, 8 48:3 49:13,24 50:10, 16,18,20,24 53:1 54:14 firm's 13:19 22:21 25:16 26:5 39:12 50:5 54:23 first 5:3 6:24 9:4,5,24 12:16 28:10 30:17 41:14,16 five 19:7 51:23 folder 34:3,11,21,22,25 following 24:18 follows 5:4 form 14:12 24:7 37:23 42:15 formal 15:13,25 20:20 36:19 43:5 former 5:20 7:3,7,13,25 9:2 found 32:13,18 37:10 foundation 14:13 24:8 four 21:16 frame 44:2 function 16:4,6 further 13:6 22:6,25	G general 53:12 Germ 23:10 getting 14:3 give 28:12,14 35:12 52:16 55:1 given 5:17 8:10,18,21 11:17,19 go 19:18 34:8,20 42:12 52:4,7 55:2 goes 34:16,18 49:6 going 12:19 19:18 23:24 24:1 30:16 34:24 44:10 47:10 52:11 Good 5:7 Gordon 49:21 gotten 43:24 Graham 35:12,17,20 36:2,5,14,21 38:21 39:2,8 47:13 granted 13:11 Grunda 21:14 23:9 guess 25:13 27:9 32:24 35:4 51:6 52:8 guys 55:9
F fact 32:25 49:24			H hadn't 25:11

THOMAS W. BEVAN, ESQ. - 02/21/2018

i6

hall	Holley's	individuals	junk
19:19	29:3 30:1 54:12	23:15	31:10
handle	hour	informal	K
52:6	53:18,21,22,25	16:1	
handled	house	information	Kathryn
49:24	51:3	27:13	29:15
handling	human	instance	keep
7:5,8 29:12 31:14 44:18	51:14,15	47:12 52:15,18	12:19 31:8,13,20 34:2,6, 13 42:10 43:8 45:13 52:21
happens		insurer	keeping
41:1		15:18	31:12
hard	I'LL	Intact	kept
24:18 40:11,23 41:1,8, 11,20 42:4,15,18 48:19, 20 49:9	54:4	46:20 51:7,12	31:17 43:4
hasn't	I'M	intentionally	kind
42:22	6:11 12:17,23 14:3 15:4 16:6,17 18:2,24 19:17 21:23 22:6 23:16,25	30:19	15:5 18:24
haven't	24:18 25:8,13 26:1,12,17 29:14 34:5 37:8 38:13 40:6,14 44:1,10,11 45:15,16 49:5,17 52:11, 14 53:14,15,22	interest	know
20:5 33:12 50:4	I'VE	22:16	6:16 7:9,18,20,22 8:6 9:6 10:23 11:2,6,7,8,10 14:14,21,24 16:7,11,18 17:1,11 18:19,24 19:17, 19,25 20:3,13,15 21:1,9, 17,22 22:1,4 23:16 24:1, 10 25:20 26:2,9 27:15, 16,17,18 28:7,10,14,19, 22 29:19,23 30:3,14,24, 25 31:1,2,10 32:2,3,5,8, 10,14,18,25 33:6,7,10, 11,14,25 34:1,16 35:4,5, 6,10,25 36:7,8,10,11 37:11 38:3,8 39:15,16, 17,23 40:4 41:23 43:6, 13,19 44:6,14,21 46:3, 12,19,21 47:2,3,4,5,6,23 48:22 49:6,11 50:12,23 51:18 52:14 53:6,18,23, 24 54:19,22
he's	identification	interrupted	knowledge
10:15,16	9:15,17 12:7	53:17	11:12 42:18
head	identified	involved	known
10:5,6	27:19,24 30:7 33:1 37:5	7:6 9:2 10:7,9 21:12 23:11 24:10,12 26:19 40:5	49:17
header	identifies	involvement	
13:1	51:9	11:17	
heading	identify	involving	
22:9	23:14,22 24:16,22 25:2,6	5:19 8:12	
heard	identifying	irrelevant	
49:19,20,22	24:5 32:22 33:3 39:1	31:7,9 44:24	
hearing	Immediately	issued	
8:22,25 9:1,11	23:1	14:24 15:1,5	
held	importance	it's	
35:3	38:25 39:1,6,7	11:16 14:8 21:24 22:1 25:10,13 31:7,10,17,19 34:5,7 45:20 46:2 51:8 54:8	
hereinafter	inch	its	
5:3	53:7	11:13 15:13 27:25	
hey	inches		
19:20 30:1 32:15 48:23	53:7,8,9	J	
Hi	individual's	Jared	
6:17	7:10	40:8	
hit		John	
34:14,15,17		6:17	
hold		Josh	
15:2,4		21:14 23:9	
Holley			
28:23 29:7,13			

THOMAS W. BEVAN, ESQ. - 02/21/2018

i7

law 5:20,22,23 7:8 9:3,19 10:2,15,19 11:3,23 12:1, 3 13:16,19 14:10 15:1,5, 19,22 16:8 19:2 21:20 23:21 24:6,21 25:15,24 26:5 27:25 28:5,17 29:3 35:19 39:12 42:20 47:7,8 49:13 50:16 54:14,23	36:4	master 12:11	motion 47:25 48:3,7,11
lawsuit 5:20 25:19,22	log 11:15 12:4 33:12,14,22	material 41:9	move 34:10,12
lawyers 21:3	logged 10:21,24	materials 5:8 37:21	multiple 36:24 37:2 51:20
leave 33:24	logs 33:18	matter 5:25 31:11,22	
left 24:5	long 15:12 43:2,3	matters 7:5	N
length 6:9	longer 53:25	mean 6:2 7:18,20,22 18:19 21:9 28:2 31:9 32:14 39:5 45:20 51:1	
let's 19:20 30:19 48:13	look 15:9 16:12 22:6,7 30:4 52:8	meet 19:20	
letter 48:15,17 52:6,9,17,19 54:14,17,19,22	looked 9:23 32:24 37:14,25 38:15 45:3	memoranda 13:10,22 14:1,5,10,23,24 15:8	
line 14:4	looking 9:23 12:17,23 32:13	memorandum 15:15	
lines 9:7	looks 54:19	mentioned 6:25 9:4,5	
list 17:20 23:18	lose 34:6	mid-1980s 49:22	
listed 6:15		Mike 40:6	
litigated 49:5	mail 34:2,3,7,13,25 35:3 44:23	mind 41:9,13	
litigating 29:8 44:22 48:18	malpractice 5:21,25 7:4,6	Mine 23:9	
litigation 7:3,5,16,19,21,23 21:7 23:11 29:17 36:12,19,25 37:2 39:13 49:9,14,18 50:9,11,13,15,19,22	man 7:19	minute 30:20	
Little 39:10 53:15	Mansour 54:14	minutes 6:8	
live 8:21	Marilyn 29:13	mishandled 7:11	
locate	mark 34:14,17	month 18:12	
	marked 9:15 12:7 13:5 54:11,12	months 18:12,13 36:16	
	Martillotta 54:21	morning 5:7	
		mother 29:15	

THOMAS W. BEVAN, ESQ. - 02/21/2018

i8

north 36:9	once 44:3	paper 5:10 18:20,21,25 42:14 52:12	piece 42:14 52:2,12
notice 15:2,4 37:14,25	online 43:22	paragraph 12:17,21 13:4,6,14 14:8, 20 22:13,25	placed 51:17
noting 6:9	open 34:12	paralegal 10:12	Placitella 25:15,24 26:20,21 27:1 33:20 39:11 40:8 41:17
November 9:18 12:10 22:11 25:1,4 27:20	operate 15:10	paralegals 21:18	plaintiffs 11:20 51:21,24
number 12:9,12,13 38:20 39:7 51:23	oral 40:4	part 47:22 49:9	Plaintiffs' 13:10,22 14:4,23 39:11
<hr/>			
O			
object 37:23	ordered 13:6	participated 38:6	pleading 44:23,24
objection 8:24 14:12,15 20:8 24:7 25:12 26:16 27:14 29:10 33:5,9 36:3 37:7 38:18, 24 39:22 41:12 42:6 43:18 47:1 49:4 54:25	ordering 13:14	parties 29:16	pleadings 45:12 47:19,20
objections 6:11	orders 25:10	partner 10:15,16	point 8:4 28:22 43:24
occasion 19:6	organizes 51:7	passed 55:6	polices 13:7,10,15,20
occasional 19:20	organizing 51:4,12	Pat 8:13 10:11 20:13 21:14 23:9	policy 14:22 15:20,22,25 16:1 43:5
occasionally 19:14,15,16	original 41:1,11	pending 36:16 43:17 45:8	political 5:11
occur 26:11	originated 50:18	people 8:4 38:5	portion 47:8
October 39:9,21	outside 8:21 20:12	percent 43:21	positive 10:1 21:23 40:14
oh 13:2 26:17 34:23 35:1	override 27:11	period 16:10,21 28:17 35:10 41:18	possession 10:18 11:13
Ohio 5:23 9:10	oversaw 10:8	person 10:2,5,6 50:24 51:2,3	possibilities 55:1
okay 9:9 11:11,22 13:2,4 14:7, 19 22:10 34:20 37:9 44:7,13 46:4 47:11 48:2, 16 50:8,20 51:14 52:16 53:10 55:3	<hr/> P		possibility 55:3,5,6
old 34:3,9,18,20,21,25 35:3	p.m. 55:15	personal 21:2 35:22	possible 21:24 22:1 25:10,13
	pad 5:10	perspective 22:19	Powell 9:8
	page 12:16 13:4 22:12,13,23	pertaining 42:25 52:17,20	practice 19:2 31:5
	pages 9:24	phone 19:22 20:2,3,5,9	practices 42:23
		physical 22:19,21 42:24 43:1	preface 44:10,21

premarked 9:16 12:8	program 46:20 50:13 51:7,10,17	recall 10:17 14:22 15:17,21 16:2 18:2,6,11,16 23:13, 19,24 24:4,9,14,24 25:18	representatives 19:8 22:21
preparation 38:2	project 45:9 49:14,15,17,18,20 50:9,11,15,19,22	represented 19:9	represented 19:9
prepare 17:20 37:12	properly 33:1	representing 11:20,21	representing 11:20,21
prepared 14:10	provide 8:16 24:3	request 8:15 13:8 37:15	request 8:15 13:8 37:15
preparing 33:16,18	provided 12:3	require 15:19	require 15:19
preservation 13:24 14:2,11,25 15:15 25:24 26:5,8	pulled 46:22 47:20	requirement 15:21	requirement 15:21
preserve 25:16 26:2	purpose 29:19 31:12 41:5	respect 43:15 47:18	respect 43:15 47:18
preserved 40:18	put 11:15 12:3 27:10 43:3 48:25 49:8	responding 10:3,9	responding 10:3,9
previously 54:11	puts 51:15	response 14:19 17:14 27:25 37:15 39:2 54:23	response 14:19 17:14 27:25 37:15 39:2 54:23
primarily 43:20 47:18	Q	responsibility 15:18	responsibility 15:18
prior 25:19	qualify 33:10	responsible 10:3,5 33:16 50:25 51:1, 4,12	responsible 10:3,5 33:16 50:25 51:1, 4,12
private 20:15,17,24 21:19,24 22:3	question 6:11 17:2,3 50:3,20 54:2, 3,8,17	responsive 10:20 11:14 12:2 18:14, 22 20:2,6 21:4 24:17,22 25:6 33:4 46:9	responsive 10:20 11:14 12:2 18:14, 22 20:2,6 21:4 24:17,22 25:6 33:4 46:9
privilege 11:15 12:4 23:2 33:12, 14,18,22	questions 6:5 53:21	result 27:12	result 27:12
probably 8:2 18:8 19:14,19 20:13 21:20 28:7 48:9	R	retains 16:23	retains 16:23
process 24:5 27:19 44:16	rarely 19:6	retention 13:8,10,15,19 14:22 15:19,23	retention 13:8,10,15,19 14:22 15:19,23
produce 55:4,7	Raymond 9:8	review 22:19 37:18,21	review 22:19 37:18,21
produced 10:21,25 11:4,6,9,15 14:19 27:25 29:3 32:1,2, 4,6,8 33:13 36:1 37:9,19, 22 38:12,20 39:8 47:15 52:24,25 54:22	read 13:21 22:16,17 55:9,11	rid 31:8	rid 31:8
production 13:9,15 14:9	really 24:9 26:9 33:11 35:4 36:8,10 39:23	right 10:23 13:20 14:5 27:23 36:25 49:25 50:5 54:18 55:8	right 10:23 13:20 14:5 27:23 36:25 49:25 50:5 54:18 55:8
professional 15:18	reason 43:19	representation 37:8	Roman 22:25
	reasons 43:9	representative 28:23	

Roth 6:2 8:6,16,24 12:18 14:12 20:8 23:20 24:7,13 25:12 26:16 27:14 29:10 33:5,9 36:3 37:7,23 38:18,24 39:22 41:12 42:6 43:18 47:1 49:4 53:10,14,16,22 54:3,7,25 55:11	search 17:16,20,25 18:5,6,7,9, 22 23:8,14,21,25 24:1,3 30:6,7 32:15,19,20,25 33:2 35:1,7,16 46:8,14, 22 47:15,16,20	sheet 51:9	12:11
Roth's 12:3 13:23 23:21 24:12 53:1	searchable 46:16,19,21,24 47:9	show 9:16 12:8 54:10	specific 47:12 50:3
roughly 28:12	searched 17:13,15,17 21:3 23:7 25:11 35:1,19,24 46:12	shrink 43:9	specifically 22:4
routinely 31:16	searches 27:20 32:11,22	side 28:21	spot 17:23
rubber 8:5	second 22:7 55:5	sight 34:6,8	standpoint 44:6
running 42:7	seconds 53:17	signature 55:13	start 28:5 42:4
<hr/>			
S			
Sam 54:21	see 5:7 13:12 20:5 22:9,12, 14,23 23:3 33:2 38:25 39:1,6,7 46:14 54:5,13	sit 24:15,20	started 6:18 17:12 28:10 30:17 40:14,24 41:15,16 43:20, 23,25 44:16,20 45:8 49:16,20,22 50:16
save 45:21 48:22 49:11 52:9 55:3	seeing 48:23	six 18:13 53:7	status 30:1 33:14
saved 45:24 46:1 48:3,10,25 49:12 52:11	seen 9:20,21,22,24,25 12:14 15:10 50:4,6	small 19:17	Stemple 49:16,21,25 50:2,5,18
saying 15:6 35:10 44:11	send 19:22 20:1 31:13	somebody 11:9 19:18 44:22 45:5 47:17 51:4	Stemple's 50:7
says 12:25 13:6 22:18 23:1	sense 41:7	somebody's 53:24	steps 23:5 24:16,21 25:1 27:7, 11 32:11,21 33:2,6
scan 41:2 42:14 44:23,25 45:4 51:7,8	sent 13:23 15:14 16:24 20:1 29:25 30:15,21 44:22 48:14	someplace 45:21,24	stick 52:21
scanned 39:13 40:18 41:20 42:19, 22 45:13,15	separate 14:5 49:3	sorry 22:6	sticks 51:11
scanner 51:16	served 9:19	sort 19:15 20:24	storage 41:6 42:7,23 43:24 44:3
scanning 42:4 44:17 45:2,9	server 45:15 46:5,8 50:25 51:5	sorts 30:4	stored 54:8
scope 38:22	set 30:19	sound 27:23 36:9	stuck 43:1 48:21
	setting 6:11	sounds 11:8 28:12	stuff 5:12 47:17
	settlement 52:17,18,19,22,23 53:1,4	space 42:7 43:9	subject 5:25 31:11,22
		speaking 6:10 49:5	subpoena 9:18 10:3,10,20 11:14 12:2 17:14 20:7 21:5 24:17,23 28:1 32:23 33:4 39:3 46:9 54:24
		special	subpoenas

25:7	tell 5:8,17 25:15 38:11 39:5, 18 40:1 41:19 44:15 47:8	26:10	transcript 6:24 8:16
substance 22:18 39:10	telling 27:1 40:2,3	third 14:4	transcripts 6:21 8:7
substantive 6:5 52:13	ten 20:18 26:13 51:23 52:5	THOMAS 5:2	transfer 23:1
such-and-such 19:21	term 18:7	thought 17:18 37:14 38:1,22 43:8 48:21,25 49:11 52:20	trash 52:11
Summit 9:10,11	terms 17:20,25 18:5,6 23:14,21 24:3 30:7 32:16 33:3 46:12,15 49:20 54:8	thousand 8:3	trial 8:22
supposed 7:14	test 32:15	three 6:15,22 8:8 13:18 14:1 18:12 35:8	trust 29:21 30:2,8 36:20,25 37:3 43:11,16
sure 8:9 9:25 14:3,14 15:4,8 16:6,17 18:2 21:22 23:16,25 25:8,13 26:1, 12,17 31:4 34:23 35:2 38:13 44:1,11 45:18 53:14,15 54:6	testified 5:4	throw 48:24	trusts 37:4 43:22
surprise 28:2,4 29:5	testify 16:13 38:16,19	time 6:10 8:5 16:10,21,25 18:11 19:21 22:17 24:18 26:18 28:3 35:10 38:8,10 41:18,19 43:5,25 44:2,5 48:8,18 49:7 51:21 53:19,23 54:18	try 17:3 25:5 43:8
sworn 5:3	testimony 5:18 6:14 8:11,18,21 37:6	timing 25:9 44:6	trying 52:14
system 16:5,8,20,23 20:12 30:23 48:9,11	Thank 55:8	tire 7:16,18,19,20,22,25 8:4 49:14,18 50:9,10,13,15, 19,21	turn 12:16 13:4
systems 27:11,15	thanks 52:10	titled 50:19	turned 30:5
<hr/>			
T			
take 9:20 23:5 27:7,11 28:12, 14 32:21 33:2,8 35:13 40:11 47:24 48:13	there's 10:23 13:14,18 14:5 15:25 18:21 19:19 22:13 31:12 46:17,18	titles 17:17	U
taken 24:16 32:11 33:6	they're 21:20 46:20 47:22	today 5:9 12:22 16:16 24:15,20 28:24 38:2,16 40:20	Uh-huh 54:16
talc 17:17,18 18:1,2,3 23:17 46:13 52:19,21,23 53:1,4	thin 43:6,10	told 23:24,25 26:1 31:24 32:7 39:20,23	understand 44:7
talk 19:18,19 37:16 38:11	thing 17:7 18:17 22:16	top 12:24,25 13:2,3 22:23	understanding 14:8 50:8
talked 23:7 24:9,10 35:9 38:5,9 47:13	things 42:25 43:1 46:18	toss 52:11	undertook 25:1 27:20
talking 11:2 27:17 28:2 36:24 45:19 49:15,17	think 8:12 9:24 10:1 15:13 16:14 20:9,13,19,22 21:20,23 23:10 28:21 29:12 30:14,24 31:15,24 34:7 41:14 47:14 52:7, 14,15 55:11	track 42:10,11	unread 34:14,18
	thinking	trail 18:20,21,25	use 17:4,6,7,25 19:1 20:11, 23 21:19,24 23:14 28:3 43:10
			uses 20:13 22:2

THOMAS W. BEVAN, ESQ. - 02/21/2018

112

usually 19:18	weren't 11:3 31:25 32:8	32:2 34:23 44:19 54:9
V		
version 15:13 41:10 45:13	what's 30:1 31:5	years 26:13 28:14 29:7 35:8 36:17,24 37:2
versus 9:8	Williams 5:13 9:19 11:5 12:11 15:3 25:14 31:22 41:18 47:14 49:6	you'd 22:17 51:23
view 14:14	withdrawn 19:15 41:15 42:17 43:2 46:4	you'll 8:15
W		
waive 55:10	witness 6:6 55:13	you're 9:25 11:2,22,25 14:3 15:8 16:17,19 17:5 26:10 27:17 31:14 40:20 45:18, 19 47:10 48:5 49:15
waived 55:13	won't 22:16	you've 5:17 7:24 9:20,25 17:9 30:15,19,21 31:3 32:12 49:18 53:18
Walsh 8:13 10:11,14 20:13 21:15 23:9	word 17:18 46:16,19,24 47:9	
want 6:4 34:6,13,14 46:17 53:24 55:9	words 22:18 39:9 43:10	
wanted 45:3 48:11	work 20:10	
wasn't 38:19 43:8 48:13 54:22	worker 7:16,18,19,20,22 49:14, 18 50:9,11,13,15,21	
way 7:12 13:21 14:14 15:11 21:22 27:10 31:1 34:19 39:18 41:23 42:12 51:6	workers 7:25 8:4,5	
We'll 11:11 12:19	workers' 5:24 7:1,6,14 8:13	
we're 6:2,8,10 19:17 28:2 36:24	works 34:19	
we've 9:16 12:8 13:5 40:4	worth 45:1	
week 27:23 33:23 42:8	worthy 48:22	
Weir 47:14	wouldn't 28:4 29:5 41:7 44:23,25 47:17 48:9 55:4	
went 42:13,21 43:22 48:10	written 13:7 15:1,6 23:18 26:4	
	wrong 44:15	
	Y	
	yeah 7:13 19:23 28:15 30:3	